
**THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

DONNY JACE HENNEFER,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

**MEMORANDUM DECISION AND
ORDER LIFTING STAY**

Case No.: 1:16-cv-00083-DBB

Judge David Barlow

This matter was stayed pending the Tenth Circuit's decision in *United States v. Baker*.¹ The Tenth Circuit has decided *Baker*, reiterating that Hobbs Act robbery is categorically a crime of violence.² Therefore, the court lifts the stay. If Plaintiff maintains the position that this case should not be dismissed, he shall file a brief setting forth his reasoning by no later than March 7, 2023. The Government's response, if any, will be due within 14 days of Plaintiff's brief. Plaintiff's reply, if any, will be due within seven days of the Government's response. If Plaintiff does not file a brief, the court will dismiss this action based on *Baker*.

Signed February 7, 2023.

BY THE COURT



David Barlow
United States District Judge

¹ 49 F.4th 1348 (10th Cir. 2022).

² *Id.* at 1356.